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EXAMINER	
GOODCHILD, WILLIAM J	

ART UNIT	PAPER NUMBER
2109	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No.	Applicant(s)	
	10/686,361	SHAH ET AL.	
	Examiner	Art Unit	
	William J. Goodchild	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-45* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-45* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/22/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show item number 736 (a pointing device) on figure 7, as described in the specification on page 23, line 16.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 3-4 and 26-28 are objected to because of the following informalities:

Claim 3, line 3, the phrase "the location" has not been defined in the claim. It is suggested to change the phrase to –a location--, as this limitation has not been previously recited in the claim.

Claim 26, line 6, the phrase "the location" has not been defined in the claim. It is suggested to change the phrase to –a location--, as this limitation has not been previously recited in the claim.

Any claim not specifically addressed above, is being objected to as incorporating the deficiencies of a claim upon which it depends.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 16-25 and 29-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16-25 and 29-31 are drawn towards a method, system or article of manufacture comprising: One or more computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to: determine information about a multimedia content stream, schedule a recording of the multimedia content stream, receive the multimedia content stream and save the multimedia content stream. In accordance with Applicant's specification (page 24, lines 10-14, communication media includes wired media such as a wired network or direct-wired connection, and wireless media such as acoustic, RF, infrared, and other wireless media. Combinations of any of the above are also included within the scope of the computer-readable media. This subject matter is not limited to that which falls within a statutory category of invention because it is not limited to a process, machine, manufacture, or a composition of matter. Instead, it includes a form of energy. Energy does not fall within a statutory category since it is clearly not a series of steps or acts to constitute a process, not a mechanical device or combination of mechanical devices to constitute a machine, not a tangible physical article or object which is some form of matter to be a product and constitute a manufacture, and not a composition of two or more substances to constitute a composition of matter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7, 9-11, 13-15, 26-27, 32, 34-35 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Burns et al. (US Publication No. 2001/0014103).

In reference to claim 1, Burns teaches a method comprising:

receiving information about a multimedia content stream generated by a device in a computer network, (paragraph 0047, lines 1-2, the scheduler, schedules a time based on the info for the pattern recognizer),

wherein the received information includes a specified time associated with the multimedia content stream, (paragraph 0047, lines 6-7, the scheduler (item 118 of figure 4) might schedule a request at 6:00 AM);

scheduling a recording of the multimedia content stream at the specified time, (paragraph 0047, lines 6-7, the scheduler (item 118 of figure 4) might schedule a request at 6:00 AM); and

at the specified time, receiving the multimedia content stream from the device, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server); and

saving the multimedia content stream in a system memory, (paragraph 0048, lines 5-6, the data comprising the target resource is stored as a proxy file in the cache memory, paragraph 0044, lines 7-9, The cache memory can be implemented using

different types of memory, including RAM, storage disks (such as optical, magnetic, etc)).

In reference to claim 2, Burns teaches the method of claim 1 wherein:

the device is a content server connected to the computer network, (paragraph 0036, lines 6-10, The cache server caches Internet resources, that have been downloaded from the content provider item 52 of figure 2).

In reference to claim 3, Burns teaches the method of claim 1 wherein:

the information about the multimedia content stream includes a network address associated with the location, (paragraph 0044, lines 1-4, referenced by the URL, a URL contains a network location (an alias for a network address)).

In reference to claim 4, Burns teaches the method of claim 3 wherein:

the network address is a uniform resource locator (URL), (paragraph 0044, lines 1-4, referenced by the URL).

In reference to claim 7, Burns teaches the method of claim 1 further comprising:

receiving information about the multimedia content stream includes receiving a scheduled recording task, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server).

In reference to claim 9, Burns teaches the method of claim 1 further comprising:

at the specified time, automatically connecting to the device, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server).

In reference to claim 10, Burns teaches the method of claim 9 further comprising:

automatically connecting to the device is performed in accordance with connection settings included in the information about the multimedia content stream, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server).

In reference to claim 11, Burns teaches the method of claim 1 further comprising:

receiving the multimedia content stream includes specifying a quality of the stream, (paragraph 0037, lines 1-3, such as video data and audio data, in an ordered and uninterrupted manner).

In reference to claim 13, Burns teaches the method of claim 1 wherein:

the multimedia content stream includes at least one of an on-demand content stream and a broadcast content stream, (paragraph 0048, lines 8-11, In the Web context, the content might be in the form of a Web page or other hypermedia document that has hyperlinks to various data items, such as audio and / or video clips).

In reference to claim 14, Burns teaches the method of claim 1 wherein:

the computer network includes at least one of a local area network (LAN), a wide area network (WAN), and the Internet, (paragraph 0019, lines 1-6, the internet is an example of a wide area network (WAN)).

In reference to claim 15, Burns teaches the method of claim 1 wherein:

One or more computer-readable memories containing a computer program that is executable by a processor, (a cache server and a continuous media server. The cache server is configured as a conventional database server having processing capabilities, including a CPU and storage).

In reference to claim 26, Burns teaches a method comprising:

means for receiving information about a multimedia content stream provided by a device coupled to a computer network, (paragraph 0047, lines 1-2, the scheduler, schedules a time based on the info for the pattern recognizer);

means for scheduling a recording of the multimedia content stream at a specified time, (paragraph 0047, lines 6-7, the scheduler (item 118 of figure 4) might schedule a request at 6:00 AM);

means for receiving the multimedia content stream from the location, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server.); and

means for saving the multimedia content stream in a storage device, (paragraph 0048, lines 5-6, the data comprising the target resource is stored as a proxy file in the cache memory, paragraph 0044, lines 7-9, The cache memory can be implemented using different types of memory, including RAM, storage disks (such as optical, magnetic, etc)).

In reference to claim 27, Burns teaches the method of claim 26 further comprising:

means for receiving the information from one or more application programs, (paragraph 0032, lines 5-11, In the Internet context, the content servers might represent Web sites which server or multicast content in the form of hyper-media documents (Web Page)).

In reference to claim 32, Burns teaches a method comprising:

determine information about a multimedia content stream provided at a device coupled to a computer network, (paragraph 0047, lines 1-2, the scheduler, schedules a time based on the info for the pattern recognizer),

wherein the determined information includes a specified time associated with the multimedia content stream, (paragraph 0047, lines 6-7, the scheduler (item 118 of figure 4) might schedule a request at 6:00 AM);

schedule a recording of the multimedia content stream at the specified time, (paragraph 0047, lines 6-7, the scheduler (item 118 of figure 4) might schedule a request at 6:00 AM); and

at the specified time, receive the multimedia content stream from the device, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server.); and

save the multimedia content stream in a storage device, (paragraph 0048, lines 5-6, the data comprising the target resource is stored as a proxy file in the cache memory, paragraph 0044, lines 7-9, The cache memory can be implemented using different types of memory, including RAM, storage disks (such as optical, magnetic, etc)).

In reference to claim 34, Burns teaches the method of claim 32 wherein:

the computer program further causes the one or more processors to obtain the information from a content index, (paragraph 0047, lines 1-3, Using patterns identified by the pattern recognizer, the scheduler schedules delivery of the content at a selected time).

In reference to claim 35, Burns teaches a method comprising:

a network interface configured to connect to a computer network, (paragraph 0034, line 5, a network port which provides a high speed, high bandwidth connection to the network); and

a memory that includes a scheduled recording service configured to receive a scheduled recording task that includes information about a multimedia content stream provided by a device in the computer network, (paragraph 0047, lines 1-2, the scheduler, schedules a time based on the info for the pattern recognizer),

schedule a recording of the multimedia content stream at a specified time, (paragraph 0047, lines 1-2, the scheduler, schedules a time based on the info for the pattern recognizer),

receiving the multimedia content stream from the device, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server.), and

save the multimedia content stream in the memory, (paragraph 0048, lines 5-6, the data comprising the target resource is stored as a proxy file in the cache memory, paragraph 0044, lines 7-9, The cache memory can be implemented using different types of memory, including RAM, storage disks (such as optical, magnetic, etc)).

In reference to claim 37, Burns teaches the method of claim 35 wherein:

the scheduled recording service is further configured to operate independent of a user account, (paragraph 0046, lines 1-6, The pattern recognizer monitors the patterns

of the subscriber requests to determine which content is most frequently requested and when).

In reference to claim 38, Burns teaches the method of claim 35 wherein:

the scheduled recording service is further configured to automatically establish a network connection with the device through the network interface for receiving the multimedia content stream, (paragraph 0048, lines 1-3, At the scheduled time, a media loader sends a request to the content server on the Internet and receives the content from that content server).

In reference to claim 39, Burns teaches the method of claim 35 further comprising:

the scheduled recording service is further configured to specify a quality associated with the multimedia content stream, (paragraph 0037, lines 1-3, such as video data and audio data, in an ordered and uninterrupted manner).

6. Claims 1, 5, 12, 16-17, 19-20, 22-25, 29-33, 35-36 and 40-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Gile et al. (US Publication No. 2002/0035610).

In reference to claim 1, Gile teaches a method comprising:

receiving information about a multimedia content stream generated by a device in a computer network, (paragraph 0013, lines 6-10, The user selects tracks from a list

of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD),

wherein the received information includes a specified time associated with the multimedia content stream, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD);

scheduling a recording of the multimedia content stream at the specified time, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD); and

at the specified time, receiving the multimedia content stream from the device, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD); and

saving the multimedia content stream in a system memory, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD, as per the definition of memory).

In reference to claim 5, Gile teaches the method of claim 1 wherein:

the information about the multimedia content stream is received through an application program interface, (paragraph 0026, lines 18-20, Appendix A contains the

constant definitions and variable and external API declarations. For example, external API's for playing sound "WINMM.DLL").

In reference to claim 12, Gile teaches the method of claim 1 wherein:

receiving the multimedia content stream includes specifying a quality of the stream in relation to a bandwidth associated with a network connection, (paragraph 0007, lines 5-9, the user interface calculates a launch time to allow the desired information from the information service to be downloaded and recorded in its entirety before the desired completion time).

In reference to claim 16, Gile teaches a method comprising:

enabling a user to schedule a recording of a multimedia content stream at a specified time, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD);

creating a scheduled recording task that includes information about the recording of the multimedia content stream, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD);

sending the scheduled recording task to a recording service configured to perform the scheduled recording task, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD); and

tracking the scheduled recording task, (paragraph 0013, lines 6-15, the scheduler downloads the selected tracks at the scheduled time).

In reference to claim 17, Gile teaches the method of claim 16 wherein:

enabling the user to schedule the recording includes providing a user interface that enables the user to input the information about the recording, (paragraph 0013, lines 6-8, The user select tracks from a list of available services, displayed bye a user interface of application, in any desired combination and order).

In reference to claim 19, Gile teaches the method of claim 16 wherein:

enabling the user to schedule the recording includes enabling the user to create recurring recordings, (paragraph 0018, lines 20-23, The user-customized profile (selected services, order, and desired ready time) may be scheduled to create a disc as often as the user desires).

In reference to claim 20, Gile teaches the method of claim 16 wherein:

sending the scheduled recording task to the recording service includes interacting with the recording service through an application program interface, (paragraph 0026, lines 18-20, Appendix A contains the constant definitions and variable

and external API declarations. For example, external API's for playing sound "WINMM.DLL").

In reference to claim 22, Gile teaches the method of claim 16 wherein:

tracking the scheduled recording task includes obtaining a status of the scheduled recording task from the recording service, (page 6, Appendix A, Section 3, example lines showing status to user include, lines 30, 35, 42, 52 and 65).

In reference to claim 23, Gile teaches the method of claim 22 wherein:

tracking the scheduled recording task includes providing the status to the user, (page 6, Appendix A, Section 3, line 35, "MsgBox – RecordTrack: Write operation completed", line 52, MsgBox – RecordTrack: CurrentIndex is +", within the computer code, this is showing the progress of the recording).

In reference to claim 24, Gile teaches the method of claim 16 further comprising:

if the multimedia content stream is successfully recorded, enabling the user to access the recorded multimedia content stream, (paragraph 0013, lines 12-14, Once the CD is recorded, the user may play back the contents of the CD on any CD drive compatible with the particular medium of CD).

In reference to claim 25, Gile teaches the method of claim 16 wherein:

One or more computer-readable memories containing a computer program that is executable by a processor, (paragraph 0013, lines 2-6, A computer (which contains a processor and memory), runs applications (computer code) such as create CD application and an Internet Browser).

In reference to claim 29, Gile teaches a method comprising:

means for enabling a user to schedule a recording of a multimedia content stream at a specified time, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD);

means for creating a scheduled recording task that includes information about the recording, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD);

means for sending the scheduled recording task to a recording service configured to perform the scheduled recording task, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD); and

means for tracking the scheduled recording task, (paragraph 0013, lines 6-15, the scheduler downloads the selected tracks at the scheduled time).

In reference to claim 30, Gile teaches the method of claim 29 further comprising:

means for providing a user interface to the user, (paragraph 0013, lines 6-8, The user select tracks from a list of available services, displayed bye a user interface of application, in any desired combination and order).

In reference to claim 31, Gile teaches the method of claim 29 further comprising:

means for enabling the user to create recurring recordings, (paragraph 0018, lines 20-23, The user-customized profile (selected services, order, and desired ready time) may be scheduled to create a disc as often as the user desires).

In reference to claim 32, Gile teaches a method comprising:

determine information about a multimedia content stream provided at a device coupled to a computer network, wherein the determined information includes a specified time associated with the multimedia content stream, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD);

schedule a recording of the multimedia content stream at the specified time, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD); and

at the specified time, receive the multimedia content stream from the device, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD); and

save the multimedia content stream in a storage device, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD, as per the definition of memory).

In reference to claim 33, Gile teaches the method of claim 32 wherein:

the computer program further causes the one or more processors to obtain the information from a user through a user interface, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD).

In reference to claim 35, Gile teaches a method comprising:

a network interface configured to connect to a computer network, (paragraph 0013, line 6, over an Internet connection, item 122 of figure 1); and

a memory that includes a scheduled recording service configured to receive a scheduled recording task that includes information about a multimedia content stream provided by a device in the computer network, (paragraph 0013, line 2, a computer (a computer includes processors and storage devices, including memory), lines 6-10, The

user selects tracks from a list of available services, displayed by a user interface of an application, item 106 within computer, item 102 of figure 1),

schedule a recording of the multimedia content stream at a specified time, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD),

receiving the multimedia content stream from the device, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD), and

save the multimedia content stream in the memory, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD, as per the definition of memory).

In reference to claim 36, Gile teaches the method of claim 35 wherein:

the scheduled recording service is further configured to provide an application program interface for interacting with application programs, (paragraph 0026, lines 18-20, Appendix A contains the constant definitions and variable and external API declarations. For example, external API's for playing sound "WINMM.DLL").

In reference to claim 40, Gile teaches the method of claim 35 wherein:

the scheduled recording service is further configured to maintain a configuration file that includes information about the scheduled recording task, (paragraph 0014, lines 4-5, interface includes a list of available service and a list of selected services).

In reference to claim 41, Gile teaches the method of claim 35 wherein:

the scheduled recording service is further configured to maintain a log file that includes a status associated with the scheduled recording task, (page 6, Section 2, DebugFlag, set to true for creating a log file).

In reference to claim 42, Gile teaches the method of claim 35 wherein:

the memory further includes a scheduling application configured to enable a user to schedule a recording of the multimedia content stream at the specified time, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD),

create the scheduled recording task that includes the information about the recording, (paragraph 0013, lines 6-10, The user selects tracks from a list of available services, displayed by a user interface of application, in any desired combination and order. Application schedules the selected downloaded tracks for recording to CD),

send the scheduled recording task to the scheduled recording service, (paragraph 0013, lines 10-12, At the scheduled time, the selected downloaded tracks are written to CD); and

track the scheduled recording task, (paragraph 0013, lines 6-15, the scheduler downloads the selected tracks at the scheduled time).

In reference to claim 43, Gile teaches the method of claim 42 wherein:

the scheduling application is further configured to provide a user interface to the user for scheduling the recording, (paragraph 0013, lines 6-8, The user select tracks from a list of available services, displayed bye a user interface of application, in any desired combination and order).

In reference to claim 44, Gile teaches the method of claim 42 wherein:

the scheduling application is further configured to provide a user interface to the user for tracking the recording, (page 6, Appendix A, Section 3, example lines showing status to user include, lines 30, 35, 42, 52 and 65).

In reference to claim 45, Gile teaches the method of claim 42 wherein:

the scheduling application is further configured to enable the user to schedule recurring recordings, (paragraph 0018, lines 20-23, The user-customized profile (selected services, order, and desired ready time) may be scheduled to create a disc as often as the user desires).

7. Claims 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunter et al. (US Publication No. 2002/0056118).

In reference to claim 26, Hunter teaches a method comprising:

means for receiving information about a multimedia content stream provided by a device coupled to a computer network, (paragraph 0076, lines 5-8, a link to the website of the video distribution system operator or obtained by direct internet access, see figure 4, item 87 (modem));

means for scheduling a recording of the multimedia content stream at a specified time, (paragraph 0075, lines 11-13, In order to pre-select a title for recording);

means for receiving the multimedia content stream from the location, (paragraph 0065, lines 7-10, Decoded pre-selected movie data is transmitted via CPU to a high speed memory buffer); and

means for saving the multimedia content stream in a storage device, (paragraph 0065, lines 10-12, written to a high density record / playback drive).

In reference to claim 28, Hunter teaches the method of claim 26 further comprising:

means for implementing a digital rights management (DRM) system, (paragraph 0193, lines 8-9, the security measures available for the recorded content may include: paragraph 0194, Digital rights management).

8. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizutani (US Publication No. 2002/0046404).

In reference to claim 1, Mizutani teaches a method comprising:

receiving information about a multimedia content stream generated by a device in a computer network, wherein the received information includes a specified time associated with the multimedia content stream, (paragraph 0052, lines 5-6, After a user has been verified and granted entry, server 15 receives recording instruction from the user along with any additional parameter data);

scheduling a recording of the multimedia content stream at the specified time, (paragraph 0052, lines 5-6, After a user has been verified and granted entry, server 15 receives recording instruction from the user along with any additional parameter data); and

at the specified time, receiving the multimedia content stream from the device, (paragraph 0053, lines 4-7, When the comparison show that a recording session is imminent, a recording device is tuned to the appropriate channel and a recording session is initiated); and

saving the multimedia content stream in a system memory, (paragraph 0048, lines 1-3, a user may transfer a received video encoded data file onto various types of media).

In reference to claim 7, Mizutani teaches the method of claim 1 further comprising:

receiving information about the multimedia content stream includes receiving a scheduled recording task, (paragraph 0015, lines 19-21, the remote computer device adds to the recording a user ID stamp identifying the user requesting the recording).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani, (US Publication No. 2002/0046404) as applied to claim 7 above, and further in view of Burns et al. (US Publication No. 2001/0014103).

In reference to claim 8, Mizutani teaches the method as disclosed in claim 7, wherein claim 8 further comprises:

a user account identifier, (Mizutani, paragraph 0045, lines 8-9, authentication information such as a user name),

a title, (Mizutani, paragraph 0046, line 5, a program name),

a start time, (Mizutani, paragraph 0046, lines 3-4, a start and stop recording interval),

a start date, (Mizutani, paragraph 0046, lines 3-4, a start and stop recording interval),

an end time, (Mizutani, paragraph 0046, lines 3-4, a start and stop recording interval),

an end date, (Mizutani, paragraph 0046, lines 3-4, a start and stop recording interval),

a local storage location, (Mizutani, paragraph 0048, lines 1-3, a user may transfer a received video encoded data file onto various types of media),

unique task identifier, (paragraph 0045, lines 12-16, If a user name and password are required, it is preferred that he user's name, or other identification mark, be added to a viewable section of the recording),

a recording quality identifier, (Mizutani, paragraph 0046, lines 13-14, as well as select a lower video resolution quality), and

connection settings, (Mizutani, paragraph 0046, lines 1-3, the user may submit various recording instructions such as a tuning channel).

Mizutani explicitly teaches the limitation(s) of claim 8 as disclosed above except for the limitation(s) of:

a URL,

a recording duration,

The general concept of using a URL, is well known within the art as illustrated by Burns which discloses the use of implementing a URL, (Burns, paragraph 0048, lines 8-11, In the Web context, the content might be in the form of a Web page or other hypermedia document that has hyperlinks to various data items, such as audio and / or video clips),

and falls within the realm of common knowledge as obvious design optimization to allow for transfer of files through a URL.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mizutani to include the use of using a web page with hyperlinks to audio and video files as taught by Burns in order to make use of the well known concept of using a URL as stated in claim 8.

The general concept of using a duration, is well known within the art as illustrated by Burns which discloses the use of determining the duration to use for beginning a download, (Burns, paragraph 0047, lines 1-8, Using the pattern recognizer 116, the scheduler 118 schedules delivery of the content at a selected time prior to the peak time), and falls within the realm of common knowledge as obvious design optimization.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mizutani to include the use of determining the duration to use for beginning a download as taught by Burns in order to make use of the well known concept of using a duration as stated in claim 8.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gile et al. (US Publication No. 2002/0035610) as applied to claim 16 above, and further in view of Mizutani, (US Publication No. 2002/0046404).

In reference to claim 18, Gile teaches the method as disclosed in claim 16, wherein claim 18 wherein:

the information about the recording includes at least one of a title, (Gile, paragraph 0015, lines 2-3, allowing the user to select tracks from the list of available services 202 of figure 2),

a start time, (Gile, paragraph 0024, lines 22-26, the source (URL), time and / or size, data type and other conversion or calculation parameters associated with a selected service are registered in a registration file, the start time is calculated automatically based on the end time),

a start date, (Gile, paragraph 0024, lines 22-26, the source (URL), time and / or size, data type and other conversion or calculation parameters associated with a selected service are registered in a registration file),

an end time, (Gile, paragraph 0024, lines 22-26, the source (URL), time and / or size, data type and other conversion or calculation parameters associated with a selected service are registered in a registration file),

an end date, (Gile, paragraph 0024, lines 22-26, the source (URL), time and / or size, data type and other conversion or calculation parameters associated with a selected service are registered in a registration file),

a recording duration, (Gile, paragraph 0024, lines 22-26, the source (URL), time and / or size, data type and other conversion or calculation parameters associated with a selected service are registered in a registration file, the duration is calculated automatically based on the entered end time),

a URL, (Gile, paragraph 0024, lines 22-26, the source (URL), time and / or size, data type and other conversion or calculation parameters associated with a selected service are registered in a registration file),

a location in system memory, (Gile, paragraph 0025, the write application is launched, which downloads the selected tracks and writes them out to the CD writer drive),

recurring data, (Gile, paragraph 0018, lines 20-23, may be scheduled to create a disc as often as the user desires), and

connection settings, (Gile, paragraph 0024, lines 22-23, the source (URL)),

Gile explicitly teaches the limitation(s) of claim 18 as disclosed above except for the limitation(s) of:

a recording quality identifier.

The general concept of providing a quality option within the user interface to download video, is well known within the art as illustrated by Mizutani which discloses the use of selecting a lower video resolution quality, (Mizutani, paragraph 0046, lines 13-14), and falls within the realm of common knowledge as obvious design optimization to reduce download times over slower network connections as needed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gile to include the use of selecting a lower video resolution quality as taught

by Mizutani in order to make use of the well known concept of providing a quality option within the user interface to download video as stated in claim 18.

12. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gile et al. (US Publication No. 2002/0035610) as applied to claims 5 and 20 above, and further in view of Walsh et al., (US Publication No. 2006/0031557).

In reference to claims 6 and 21, Gile explicitly teaches the limitation of claims 5 and 20 as disclosed above except for the limitation of:

the application program interface includes a distributed component object model (DCOM) interface.

The general concept of using a DCOM interface, is well known within the art as illustrated by Walsh which discloses the use of using an inter-process communication of DCOM, (Walsh, paragraph 0034, lines 23-28, the local proxy and the reception agent may interact using any inter-process communication such as DCOM), and falls within the realm of common knowledge as obvious design optimization to improve communications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gile to include the use of using a DCOM interface to improve communications as taught by Walsh in order to make use of the well known concept of using a DCOM interface as stated in claims 6 and 21.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Goodchild whose telephone number is (571) 270-1589. The examiner can normally be reached on Monday - Friday / 8:30 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on (571) 272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J Goodchild
Examiner
Art Unit 2109

WJG
05/08/2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER